



**UNITED STATES HOUSE OF REPRESENTATIVES
OFFICE OF THE MAJORITY WHIP
THE HONORABLE JAMES E. CLYBURN (SC-06)**

THE WHIP PACK

WEEK OF APRIL 7, 2008

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Bill Text and Background for the Week of April 7, 2008

- H.R. 2016 - The National Landscape Conservation System Act
- H.R. 2537 - Beach Protection Act of 2007
- H.Res. 1092 – Relating to the consideration of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement

H.R. 2016 - THE NATIONAL LANDSCAPE CONSERVATION SYSTEM ACT (Rep. Grijalva – Natural Resources) (Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: [H.Res. 1084: Rule and Committee Report](#), [Special Announcement](#), [Amendment Deadline: 4:00pm Monday 4/7](#)

Committee: [Committee on Natural Resources](#)

Committee Staff Contact: 5-6065

LEGISLATION AT A GLANCE:

BACKGROUND

The Department of Interior's Bureau of Land Management (BLM) manages 262 million surface acres and approximately 700 million acres of subsurface minerals, predominantly located in 11 contiguous western states and Alaska. Unlike the National Park Service (NPS), the BLM is tasked with a "multiple-use" mandate meaning that, while some BLM land is managed for conservation purposes, other BLM areas are managed for energy production, timber, grazing, public recreation, and other uses.

Between 1946 and 1996, large national monuments, designated on BLM land under the Antiquities Act, were removed from BLM management and included within the National Park System. In 2000, Former Interior Secretary Babbitt established within the BLM the National Landscape Conservation System (NLCS) as a framework to tie BLM's conservation units together into a larger conservation system, thus stopping the loss of conservation lands to the NPS.

The NLCS includes approximately 26 million acres, or about 10%, of the land administered by the BLM. The System encompasses more than 800 units, including all National Scenic and Historic Trails, National Conservation Areas, National Monuments, wilderness areas, Wild and Scenic Rivers, and wilderness study areas managed by the agency. Each NLCS unit was established by Congress or Presidential Proclamation and is managed according to its enabling authority, as well as the Wilderness Act, Wild and Scenic Rivers Act, Federal Land Policy and Management Act, or other laws applicable to specific units. The NLCS itself has not been established in statute, however.

SUMMARY OF H.R. 2016

H.R. 2016 establishes the NLCS in statute and lists the components of the system. The legislation makes clear that each NLCS unit is to be managed in accordance with all laws applicable to that unit and in “a manner that protects the values for which the components of the system were designated.” The legislation includes an extensive savings clause making clear that nothing in the bill alters the underlying management authority governing the individual NLCS units.

The purpose of the bill is to grant the NLCS formal Congressional approval; hopefully raising the stature of the system and its components while also preventing a future Interior Secretary from abolishing the system administratively.

In addition to the support of the Bush Administration, this legislation enjoys broad support from a diverse coalition that includes environmental groups, the American Hiking Society, National Council of Churches, Boone and Crockett Club, National Trust for Historic Preservation, National Wildlife Federation, and the Outdoor Industry Association.

House Report 110-561:

[HTML Version](#), [PDF Version](#)

Full Committee on Natural Resources Mark-up:

[Full Committee Markup](#), March 12, 2008

[National Journal Report](#): Amid Property Rights Concerns, Resources Panel Approves Conservation System, March 12, 2008

Summary of Committee Votes:

- [Rep. Cannon, R-Utah Federal Cause of Action Amendment to the Substitute Amendment](#) — Would have specified that nothing in the underlying measure would create a federal cause of action based on inclusion within the National Landscape Conservation System. **Rejected by Voice Vote.**
- [Rep. Cannon, R-Utah County Rights Amendment to the Substitute Amendment](#) — Would have allowed counties to opt out of inclusion in the National Landscape Conservation System. **Rejected by Voice Vote.**
- [Rep. R. Bishop, R-Utah Mineral Rights Amendment to the Substitute Amendment](#) — Would have clarified that inclusion in the National Landscape Conservation System would not affect reserved mineral rights, or oil and gas leasing, explorations, development and production. **Withdrawn.**
- [Rep. R. Bishop, R-Utah Wilderness Amendment to the Substitute Amendment](#) — Would have specified that no wilderness study area may be designated in the National Landscape Conservation System. **Rejected by Voice Vote.**
- [Rep. R. Bishop, R-Utah Technical Amendment to the Substitute Amendment](#) — Would have altered wording in the substitute amendment. **Rejected by Voice Vote.**
- [Rep. R. Bishop, R-Utah Multiple Uses Amendment to the Substitute Amendment](#) — Would have ensured existing multiple use areas such as outdoor recreation, grazing, timber, energy, minerals, watershed, fish and wildlife, remain "a high value" use of the land. **Rejected by Voice Vote.**

- Rep. Flake, R-Ariz. Authorize Additional Appropriations Amendment to the Substitute Amendment — Would have denoted that nothing in the bill is intended to authorize additional appropriations for the National Landscape Conservation System. **Rejected 12-16: R 12-0; D 0-16; I 0-0.**
- Rep. Pearce, R-N.M. Grazing Rights Amendment to the Substitute Amendment — Would have denoted that any inclusion in the National Landscape Conservation System would not affect grazing rights or operations. **Rejected 14-21: R 13-0; D 1-21; I 0-0.**
- Rep. Pearce, R-N.M. Wind and Solar Energy Amendment to the Substitute Amendment — Would have denoted that any inclusion in the National Landscape Conservation System would not affect eligibility for wind and solar energy development. **Rejected 15-22: R 14-0; D 1-22; I 0-0.**
- Rep. Pearce, R-N.M. Payment-in-Lieu-of-Taxes Amendment to the Substitute Amendment — Would have barred the use of funds in the bill for the National Landscape Conservation System in any fiscal year until the Bureau of Land Management's Payment-in-Lieu-of-Taxes program was fully funded at authorized levels for that fiscal year. **Rejected 13-23: R 13-0; D 0-23; I 0-0.**
- Subcommittee Chairman Grijalva, D-Ariz Substitute Amendment — In addition to technical changes, the substitute clarifies that enactment of H.R. 2016 will not alter existing authorities under which units of the NLCS are currently managed. Specifically, the substitute states that, 'Nothing in this Act shall be construed to enhance, diminish, or modify any law or proclamation (or regulations related to such law or proclamation) under which the components of the system identified in section 3(b) were established, or are managed.' **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a Roll Call Vote of **24-13: R 1-12; D 23-0; I 0-0.**

CRS Reports:

(TBA)

GAO Reports:

(TBA)

CBO Report:

Cost Estimate: Ordered Reported by the Committee on Natural Resources

Subcommittee on National Parks, Forests and Public Lands Hearing:

Legislative Hearing on H.R. 2016 >>

June 7, 2007 Hearing — Subcommittee on National Parks, Forests and Public Lands

- Opening Statement: Chairman Raul Grijalva
- To read witness testimony from the hearing, [click here](#)

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

H.R. 2016 Fact Sheet — Committee on Natural Resources

Press Releases, News Articles & Related Information:

[House Panel Hears Testimony Favoring Permanent New Land Protection System](#)

June 7, 2007 Press Release — Subcommittee on National Parks, Forests and Public Lands

Other Resources:

[Cosponsors of H.R. 2016](#)

H.R. 2537 - BEACH PROTECTION ACT OF 2007 (*Rep. Pallone – Transportation and Infrastructure*) (*Subject to a Rule*)

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: [H.Res. 1083: Rule and Committee Report](#), [Special Announcement](#), [Revised Amendment Process: Preprinting Requirement](#)

Committee: [Committee on Transportation and Infrastructure](#)

Committee Staff Contact: 5-4472

LEGISLATION AT A GLANCE:

H.R. 2537, THE BEACH PROTECTION ACT OF 2008

H.R. 2537, the Beach Protection Act of 2008, amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to reauthorize appropriations for the Beaches Environmental Assessment and Coastal Health ("BEACH") Act through fiscal year 2012.

As reported by the Committee on Transportation and Infrastructure, H.R. 2537 reauthorizes \$40 million in appropriations annually for the Environmental Protection Agency's ("EPA") BEACH program. The BEACH program provides grants to states along the coasts and Great Lakes for state and local recreational water monitoring and notification programs.

The Beach Protection Act increases the existing annual authorization by \$10 million to reflect an expansion of eligible uses for grants under this program. For example, H.R. 2537 allows states to utilize a portion of their BEACH grant funding to develop and implement coastal recreation waters pollution source identification and tracking programs, which will enable interested states to locate the likely sources of coastal water contamination.

H.R. 2537 also clarifies and enhances state and local authorities for notifying the public when the beach waters are likely contaminated and present a potential threat to human health. First, this legislation clarifies that the public must be notified with 24-hours of the results of contaminated water quality sample. However, because many states utilize a system where two contaminated samples must be identified before a beach is closed, H.R. 2537 also requires that a physical sign must be posted at any beach where the results of a water quality sample demonstrate the *likelihood* that the water *may be contaminated*. This information is essential to ensure the public can avoid contact with potentially harmful pollutants while visiting their favorite beach.

The Beach Protection Act also enhances EPA's review of individual states' compliance with the requirements of the BEACH Act by requiring the Administrator to conduct an annual review of implementation of the BEACH Act by State and local governments, and to take corrective action for State and local governments that are not in compliance with the BEACH Act requirements. This legislation also requires the Government Accountability Office to review and report on EPA's administration of the BEACH Act.

Finally, H.R. 2537 requires EPA to carry out a study of the formula for the distribution of coastal recreation water quality monitoring and notification program development and implementation grants under the BEACH Act and to report to Congress on the results of the study, including any recommendations for revision of the existing formula.

The Chairwoman of the Transportation and Infrastructure Subcommittee on Water Resources and Environment, Eddie Bernice Johnson, will offer a manager's amendment to H.R. 2537 that will direct EPA to complete its ongoing evaluation and validation of a "rapid testing methodology" for detecting contamination of coastal recreation waters by October 1, 2010, and upon completion of the validation, to develop guidelines for their use at beaches most frequently utilized by the public. Rapid testing methodologies are intended to shorten the period between when coastal recreation water is sampled to when results are made publicly available, with the goal of having real-time, same-day information on the condition of the nation's beaches and recreational waters. Upon completion of EPA's validation of a rapid testing methodology, the period of time necessary for testing coastal waters is likely to shorten from 24 hours to between 2 and 3 hours.

House Report 110-491:

[HTML Version](#), [PDF Version](#)

Full Committee on Transportation and Infrastructure Mark-up:

[Full Committee – Markup](#), October 31, 2007

- To read summary of subject matter, [click hear](#)

Summary of Committee Votes:

- Chairman Oberstar, D-Minn. Substitute Amendment — Reauthorizes the BEACH Act of 2000 (PL 106-284), which requires the EPA assist states in testing beach waters for contaminants and in implementing public notification programs. The substitute also does the following: reduces the authorization to \$40 million for fiscal 2008 to 2012 from \$60 million; allows states to use some of their grant funds to implement programs to track the source of water pollution; requires the EPA to publish criteria for the use of rapid testing methods; prioritizes the use of such methods at beaches that have the highest use by the public; requires states to post signs at beaches to notify the public in the event of contaminated water; requires the EPA to study the formula for the distribution of grants authorized under the bill; requires the EPA to study the cost to states of water quality maintenance, including beach mileage and usage. It would require a report to Congress on the study; and requires the EPA to publish a list of all pathogens and pathogen levels. **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by **Voice Vote**

CRS Reports:

(TBA)

GAO Reports:

[GAO-07-1073T](#): The BEACH Act of 2000: EPA and States Have Made Progress Implementing the Act, but Further Actions Could

CBO Report:

[Cost Estimate](#): Ordered Reported by the Committee on Transportation and Infrastructure

Subcommittee on Water Resources and Environment Hearing:

[Reauthorization of the Beaches Environmental Assessment and Coastal Health Act>>](#)

July 12, 2007 Hearing — Subcommittee on Water Resources and Environment

- To read summary of subject matter, [click hear](#)
- To read witness testimony from the hearing, [click here](#).

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[H.R. 2537 Fact Sheet](#) — Committee on Transportation and Infrastructure

[H.R. 2537 Report](#) — Committee on Transportation and Infrastructure

Press Releases, News Articles & Related Information:

(TBA)

Other Resources:

[Cosponsors of H.R. 2537](#)

H.RES. 1092 – RELATING TO THE CONSIDERATION OF THE BILL (H.R. 5724) TO IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT

Rules Committee: [Meeting Time: 3:00pm Wednesday 4/9](#), [H.Res. 1092: Rule, Committee Report, and roll call votes](#)

Stop Fast Track Rule for Colombia Trade Pact:

*Time For Bipartisan Negotiations on Strengthening
The American Economy and for Better Deal for American Workers*

- Tomorrow, the House will take up a rule from the Rules Committee to suspend the requirement that the Colombia Free Trade Agreement be considered within 60 legislative days in the House – giving Congress the prerogative in scheduling a vote.
- This flexibility is necessary to create time for there to be bipartisan negotiations on measures to strengthen the American economy and help American workers first. The worsening economic downturn, as evidenced by the jobless numbers on Friday and the statements by Fed Chairman Bernanke and now as recently as yesterday, former Fed Chairman Greenspan, requires that the top priority for this Congress is to get our economy back on track. Through bipartisan negotiations and action on the American economy, we can create the conditions and opportunity for the Columbia Free Trade deal to pass.
- This change is necessitated by the President's partisan actions. Instead of working with Congress on the economic concerns of the American people, on Tuesday, the President took the unprecedented step of sending up the Colombia Trade deal without following established protocols of Congressional consultation. His actions were political and counter-productive, jeopardizing prospects for its passage.

- This rule would remove the fast-track timeline for the Colombia free-trade agreement -- simply returning to Congress the rightful constitutional role in scheduling consideration of measures. The Fast Track law (PL 107-210) expressly recognizes “the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House” and that is what we are doing.
- The Fast Track law (PL 107-210) sets forth procedures that require both chambers to act on a trade pact within 90 legislative days after the implementing legislation is submitted, but it specifies that those procedures and timetable are rules of the chambers. Specifically, the measure suspends the requirements that the Ways and Means Committee act within 45 days, that the House vote within 15 days after that, and that there be a highly privileged motion to bring up the measure. Under the rules change, the House would consider the measure at a time of its choosing. This does not address Senate fast track procedures. This measure does not change the fact the agreement is unamendable in the House.